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BOOK REVIEW

CIVIL RIGHTS IN THE COLD WAR

CARL TOBIAS*

Cold War Civil Rights: Race and the Image of American Democracy.

by Mary L. Dudziak,

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INTRODUCTION

Occasionally an insight is so fresh and compelling that it seems almost inevitable upon articulation. This is true of the provocative thesis which Professor Mary L. Dudziak enunciates in her recent monograph, *Cold War Civil Rights: Race and the Image of American Democracy* (“*Cold War Civil Rights*”).¹ The author presents a valuable historical review that links concerns about the United States’ relations with the global community during the Cold War and its contemporaneous civil rights policy. Professor Dudziak posits a striking and salient way to conceptualize civil rights through the international prism. Racial discrimination may remain one of the country’s most intractable social and political difficulties; international pressures exacerbated by burgeoning globalization could once again influence domestic practices.

For these reasons, *Cold War Civil Rights* warrants the assessment which this review undertakes. I first descriptively analyze Professor Dudziak’s book, finding that it illuminates the impact that international considerations had on the question of race in the United States. The review then assesses certain

*Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas. I wish to thank Raquel Aldana-Pindell, Annette Appell and Peggy Sanner for valuable suggestions, Theresa Eckersall and Angeline Garbett for processing this piece and Jim Rogers for generous, continuing support. Errors that remain are mine.

¹ MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* (2000).

benefits of this historical model. I conclude by proffering several recommendations for elaboration.

I. DESCRIPTIVE ANALYSIS

Cold War Civil Rights is a careful historical examination of how concerns respecting global relationships and the Cold War affected, and even dictated, American civil rights reform from World War II's end until escalation of the Vietnam War.² Chapter One explores the reaction of the international community to racial violence and discrimination in the United States. Although American involvement in the Second World War was premised on guaranteeing essential freedoms, the post-War persistence of domestic lynching and segregation practices led the global community to express outrage.³ The Soviet Union concomitantly exploited racial tension in America as a major propaganda theme by exposing the apparent conflict between the political ideology which the United States espoused and actual American practice.⁴ Increasing international pressure led President Harry S. Truman to

² Dudziak states that she "seeks to capture the way race politics were understood at a time when 'the Negro problem' was at the center of the discourse on race in America," while acknowledging that the "full story of civil rights reform in U.S. history cuts across racial groups." *Id.* at 14. My review similarly seeks to honor this perspective. *See generally* Ariela Gross, *Beyond Black and White: Cultural Approaches to Race and Slavery*, 101 COLUM. L. REV. 640 (2001) (asserting that studies of race in slavery within the context of the new field of cultural-legal history have begun to transform historians' understandings of traditional debates concerning race, slavery, and resistance to cultural hegemony); Juan F. Perea, *The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought*, 85 CAL. L. REV. 1213 (1997) (observing that the traditional "Black/White" paradigm of American race relations presents a linear account of the struggle for civil rights that often marginalizes non African-American people of color who also sought reform).

³ *See* DUDZIAK, *supra* note 1, at 26-39; *see also* C. VANN WOODWARD, *THE STRANGE CAREER OF JIM CROW* 114 (3d ed. 1974) (discussing the inconsistency between the racially discriminatory practices of domestic America and the image of American democracy portrayed abroad in war propaganda). *See generally* GUNNAR MYRDAL, *AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY* 1016 (1944) (predicting that after World War II, international perceptions of America's domestic race relations would be magnified and, thus, require full integration of African-Americans to ensure America's continued "international prestige, power and future security").

⁴ DUDZIAK, *supra* note 1, at 27, 34, 37-39 (illustrating specific examples of Soviet exploitation of American racial inequities to foster an unfavorable image of the American government and people). *See generally* BRENDA GAYLE PLUMMER, *RIISING WIND: BLACK AMERICANS AND U.S. FOREIGN AFFAIRS, 1935-1960* (1996) (providing an historical narrative of African-American involvement and effect upon American foreign affairs between 1935 and 1960); Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 524-25 (1980) (asserting that the *Brown* desegregation decision not only lent credibility to "America's struggle with Communist countries to win the hearts and minds of emerging third world peoples," but also reassured African-Americans that the principles fought for during World War II might finally materialize at

recognize that racial discrimination tarnished the country's international standing and impeded foreign relations.

The United States government countered world criticism by attempting "to manage the way the story of American race relations was told overseas."⁵ Chapter Two shows how the Truman Administration fashioned an official narrative of race and democracy, by transforming the chronicle of race from a tale about discrimination into one portraying the superiority of democracy over communism.⁶ The lessons ostensibly imparted were that the American system facilitated the achievement of social justice and that the resulting change, albeit modest and gradual, was superior to reform secured by totalitarian fiat.⁷ The United States Information Agency ("USIA") implemented this strategy through dissemination of propaganda portraying domestic race relations as more harmonious than they were.⁸ For example, *The Negro in American Life*, a USIA pamphlet replete with photographs of racially-integrated neighborhoods and schools, presented American history as a story of redemption and democracy as a vehicle for reconciliation.⁹ Other federal entities undertook efforts to silence individuals, such as Josephine Baker and Paul Robeson, who might directly challenge the official narrative through public criticism.¹⁰

home).

⁵ DUDZIAK, *supra* note 1, at 15.

⁶ See *id.* at 15 ("Chapter 2 details U.S. government efforts to turn the story of race in America into a story of the superiority of democracy over communism as a system of government"); see also *id.* at 48-49 (discussing the State Department's attempts to respond to international criticism of domestic race relations by disseminating favorable propaganda about race in the United States to create a "more balanced perspective on the issue").

⁷ See *id.* at 13 ("The lesson of this story was always that American democracy was a form of government that made the achievement of social justice possible, and that democratic change, however slow and gradual was superior to dictatorial imposition.").

⁸ See *id.* at 54-55 (offering photographs from the pamphlet); see generally WALTER L. HIXSON, PARTING THE CURTAIN: PROPAGANDA, CULTURE AND THE COLD WAR, 1945-1961, 121-50 (1997) (asserting that the USIA played an important role in Cold War bureaucracy with both its anti-communism propaganda programs and its worldwide cultural initiatives, which included defending the United States against charges of racism and ruling-class domination).

⁹ See DUDZIAK, *supra* note 1, at 49-55 (explaining that the composition and presentation of *The Negro in American Life* portrayed a "rather rosy picture" of domestic race relations by juxtaposing the nation's past failings with what it celebrated as "great strides in the area of [African-American] legal rights").

¹⁰ See *id.* at 61-77 (outlining the government's efforts to prevent Robeson and Baker from generating international interest in race discrimination in the United States). With respect to Robeson, the State Department issued a "stop notice" at all American points to prevent him from leaving the country, and then invalidated his passport when he refused to surrender it. See *id.* at 62. Because Baker was not an American citizen, the State Department instead conducted an international "red-baiting" propaganda campaign against her which led to the cancellation of many of her scheduled performances and imposed serious travel difficulties. See *id.* at 67-77; see also TAYLOR BRANCH, PARTING THE WATERS:

Government officers eventually realized that the more efficacious response to global criticism was attaining social progress in this country.¹¹ Chapter Three canvasses the Truman Administration's endeavors to improve civil rights. The President requested that his Committee on Civil Rights report on the foreign policy consequences of racial discrimination and tender suggestions for improvement,¹² while he instituted specific corrective measures, including Executive Order 9981 which desegregated the armed forces.¹³ Moreover, the Justice Department emphasized national security in its briefs for cases before the Supreme Court that challenged discriminatory laws, including *Brown v. Board of Education*.¹⁴ When the Supreme Court held that public school

AMERICA IN THE KING YEARS, 1954-63, 212 (1988) (stating that Robeson had been "ruined" by those who encouraged him to endorse the Communist Party); MARTIN BAUML DUBERMAN, PAUL ROBESON 388-403 (1988) (detailing the restraints placed on Robeson's ability to travel, and addressing the resulting domestic discrimination Robeson faced because of his public association with the Communist Party); PENNY M. VON ESCHEN, RACE AGAINST EMPIRE: BLACK AMERICANS AND ANTICOLONIALISM, 1937-1957, 123-24, 135-36, 167 (1997) (commenting on the revocation of Robeson's passport and the denial of his subsequent legal appeal for its reinstatement); Mary L. Dudziak, *Josephine Baker, Racial Protest and the Cold War*, 81 J. AM. HIST. 543 (1994) (examining Baker's role in Latin American political debates during the 1950s, resulting in the State Department's determination that she posed a threat to national security).

¹¹ See DUDZIAK, *supra* note 1, at 15 ("Ultimately the most effective response to foreign critics was to achieve some level of social change at home"); *id.* at 80-82 (stating that international concerns ranked as one of the principal motives behind Truman Administration efforts to address civil rights abuses).

¹² See *id.* at 79 ("Truman's Committee on Civil Rights issued a report that highlighted the foreign affairs consequences of race discrimination"); see also PRESIDENT'S COMM. ON CIVIL RIGHTS, TO SECURE THESE RIGHTS, 146-48 (1947) (linking the maintenance of basic domestic equality with cordial international relations); cf. PLUMMER, *supra* note 4, at 183 (stating that, although the Truman Administration recognized the importance of civil rights reforms, "Truman's inability to move his civil rights program through a recalcitrant, conservative Congress diluted the statement's impact"). See generally DAVID McCULLOUGH, TRUMAN 586-89 (1992) (illustrating Truman's personal impressions of racism and his public reactions to findings revealed in TO SECURE THESE RIGHTS, *supra*).

¹³ See Exec. Order No. 9981, 13 FED. REG. 4313 (July 28, 1948) (affirming the importance of equality within the armed forces, and demanding equal treatment and opportunity within the military without regard to race, color, religion, or national origin). See generally BRANCH, *supra* note 10, at 13-14 (discussing the effect of the Executive Order on military bases located in racially divisive areas, such as Montgomery, Alabama); PLUMMER, *supra* note 4, at 187 (asserting that the Executive Order helped Truman gain "substantial Afro-American support for administration policies generally").

¹⁴ See DUDZIAK, *supra* note 1, at 15 (stating that the Department implemented a strategy emphasizing "sustained reliance on national security arguments in briefs in the Supreme Court cases that would overturn the constitutional basis for Jim Crow"); Derrick A. Bell, Jr., *Racial Remediation: A Historical Perspective on Current Conditions*, 52 NOTRE DAME LAW. 5, 12 (1976) (stating that the "foreign policy advantages of a pro-civil rights result in *Brown* were specifically argued to the Court in the federal government's amicus curiae briefs"); see

segregation—a practice international observers had long condemned—was unconstitutional, it strongly reinforced the story of race and democracy by demonstrating how the governmental regime could address prior discriminatory actions.¹⁵

Chapter Four explains that *Brown* did not end racial discrimination, as strident opposition to public school desegregation posed new threats to the USIA narrative.¹⁶ Incidents such as the 1957 “massive resistance”¹⁷ against integration of Central High School in Little Rock, received extensive international media coverage, and challenged President Dwight D. Eisenhower’s leadership.¹⁸ The President forcefully responded by dispatching

also *Brown v. Bd. of Educ.*, 347 U.S. 483, 495 (1954) (concluding that “in the field of public education the doctrine of ‘separate but equal’ has no place” and that “[s]eparate educational facilities are inherently unequal”); RICHARD KLUGER, *SIMPLE JUSTICE: THE HISTORY OF BROWN V. BOARD OF EDUCATION AND BLACK AMERICA’S STRUGGLE FOR EQUALITY* 277-78, 558-61 (1976) (detailing the history and extent of the federal government’s involvement as amicus curiae in the desegregation cases leading up to *Brown*). The briefs did not emphasize domestic issues of race or segregation’s immorality.

¹⁵ See DUDZIAK, *supra* note 1, at 16 (“In *Brown v. Board of Education*, the U.S. Supreme Court held that school segregation, a particular target of foreign criticism, violated the U.S. Constitution” and “powerfully reinforced the story of race and democracy that had already been told in U.S. propaganda”); *id.* at 107-08 (stating that the *Brown* decision was immediately circulated around the world by the State Department and USIA to respond to foreign criticisms of continued American discrimination). See generally CARL T. ROWAN, *THE PITIFUL AND THE PROUD* 19 (1956) (describing the author’s experience as an African-American in India and the decreased scrutiny American racial policy received after the *Brown* decision); EARL WARREN, *THE MEMOIRS OF EARL WARREN* 265-69 (1977) (recounting Warren’s experiences abroad in the year preceding the *Brown* decision); Bell, *supra* note 4, at 524 (arguing that of principal importance to the Court were the “economic and political advances at home and abroad that would follow abandonment of segregation”).

¹⁶ See DUDZIAK, *supra* note 1, at 16 (“Massive resistance to school desegregation in Little Rock, Arkansas, threatened to undermine the narrative of race and democracy carefully told in U.S. propaganda”); *id.* at 115-51 (recounting the highly publicized social and political struggle over desegregation in Little Rock, Arkansas, and the profound effect such publicity had on the nation and its international relations).

¹⁷ The term “massive resistance” is used not only for its common connotation, but also to invoke the concept of the interposition of state sovereignty against federal integration orders. For a discussion of the emergence of the terms “interposition” and “massive resistance” and their significance to desegregation politics, see ROBBINS L. GATES, *THE MAKING OF MASSIVE RESISTANCE: VIRGINIA’S POLITICS OF PUBLIC SCHOOL DESEGREGATION, 1954-1956*, 100-19 (1964). See also BRANCH, *supra* note 10, at 380 (observing *Richmond News Leader* editor James J. Kilpatrick’s rise to prominence for his espousal of Virginia’s right to interpose its sovereignty against the integration orders of the federal government); BENJAMIN MUSE, *TEN YEARS OF PRELUDE: THE STORY OF INTEGRATION SINCE THE SUPREME COURT’S 1954 DECISION* 146-53, 179-91 (1964) (describing massive resistance as a Virginia product, in both name and concept, aimed at establishing a united front among the former Confederate States to block desegregation).

¹⁸ See DUDZIAK, *supra* note 1, at 16 (“As Little Rock became a massive worldwide news

federal troops.¹⁹ Although the national government resolved the Little Rock crisis, the incident resonated as the paradigmatic symbol of racial tension in the country and was a reference point for Presidents John F. Kennedy and Lyndon B. Johnson.²⁰

As Chapter Five illustrates, President Kennedy originally hoped to delay governmental action on civil rights out of concern that expeditious reform would interfere with other initiatives of his administration.²¹ However, "events in the early 1960s conspired to frustrate Kennedy's efforts to control the place of civil rights on his overall agenda."²² When representatives of newly-independent African, Asian and Caribbean nations traveled to the United States and personally experienced discrimination, the encounters accentuated the

story, and his leadership was questioned at home and abroad, Eisenhower was forced to act"); *id.* at 119-25 (citing numerous articles and commentaries from an array of international news sources criticizing the federal government's response to the Little Rock crisis).

¹⁹ See DUDZIAK, *supra* note 1, at 128-31 (implicating a "mix of factors, domestic and international," Eisenhower called the Little Rock crisis a "willful obstruction of justice" and dispatched 1000 troops to integrate the schools); see also ROBERT F. BURK, *THE EISENHOWER ADMINISTRATION AND BLACK CIVIL RIGHTS* (1984) (providing a detailed account of the negotiations and actions taken by President Eisenhower leading up to, surrounding, and following the decision to deploy federal troops to Little Rock); DWIGHT D. EISENHOWER, *THE WHITE HOUSE YEARS: WAGING PEACE, 1956-1961*, 170-71 (1965) (reflecting on President Eisenhower's involvement in and impressions of the desegregation crisis at Little Rock); LITTLE ROCK, *MATERIALS FOR ANALYSIS* (Wilson Record & Jane Cassels Record, eds., 1960) (providing chronological and interpretive accounts of the events surrounding the desegregation of schools in Little Rock); TONY FREYER, *THE LITTLE ROCK CRISIS: A CONSTITUTIONAL INTERPRETATION* (1984) (analyzing the constitutional issues presented by the Little Rock desegregation crisis in both legal and social contexts). Despite attempts by the Arkansas state legislature, governor, and school board to suspend immediate implementation of the state's desegregation plan because of the tensions surrounding the initial integration of Little Rock schools, integrated schooling continued and was supported by the Supreme Court. See *Cooper v. Aaron*, 358 U.S. 1 (1958) (holding that regardless of the resulting community tensions, Arkansas state officials were bound by the Fourteenth Amendment to integrate schools); DUDZIAK, *supra* note 1, at 146-48 (discussing efforts by Arkansas to suspend desegregation and the Supreme Court's response).

²⁰ See DUDZIAK, *supra* note 1, at 16 ("Although the crisis in Little Rock would be resolved, in later years Little Rock remained the paradigmatic symbol of race in America and served as the reference point as Presidents Kennedy and Johnson faced civil rights crises of their own"); *id.* at 155-57 (drawing comparisons between the 1962 civil rights crisis at the University of Mississippi in Oxford during the Kennedy administration and the earlier crisis in Little Rock).

²¹ See *id.* at 16 ("President Kennedy hoped to put off addressing civil rights so that civil rights initiatives would not interfere with his other domestic proposals and especially with his foreign affairs agenda"); *id.* at 152-202 (noting the Kennedy administration's subordination of civil rights reform as a national priority for fear it would jeopardize Congressional approval of other initiatives).

²² *Id.* at 16.

foreign policy significance of domestic racial tensions.²³ Moreover, as the civil rights movement intensified, it sustained stubborn and even violent resistance,²⁴ with confrontations between demonstrators and authorities producing global repercussions.²⁵ These incidents heightened the perceived need for social change in the United States, and prompted President Kennedy's 1963 support of landmark civil rights legislation, earning him worldwide praise.²⁶ His assassination, therefore, left many nations questioning the federal government's continued commitment to progressive civil rights enforcement.²⁷

The Johnson administration responded to these concerns by continuing Kennedy's civil rights reforms.²⁸ Chapter Six evaluates how the relationship

²³ See *id.* at 16 (recounting how foreign ambassadors routinely "came to the United States and personally experienced Jim Crow," with "each incident of discrimination reinforce[ing] the importance of race to U.S. relations with Africa"); *id.* at 167-69 (describing discrimination against black foreign diplomats as an "awkward and persistent problem" which required a systemic response from the State Department).

²⁴ One particularly publicized example of this resistance was the reaction of Birmingham, Alabama's police commissioner, Eugene "Bull" Connor, to civil rights protesters in 1963. See *id.* at 169 (describing Connor's attempts to deter protestors without arresting them by using fire hoses and police dogs). See generally BRANCH, *supra* note 10, at 756-64 (recounting Martin Luther King, Jr.'s involvement in the civil rights protests which Connor violently suppressed); JOHN WALTON COTMAN, BIRMINGHAM, JFK AND THE CIVIL RIGHTS ACT OF 1963 (1989) (examining Thomas Dye's analysis of American civil rights policy through a reconstruction of the political challenges to Jim Crow laws in Birmingham, the local community's response, and ensuing federal legislation); DIANE MCWHORTER, CARRY ME HOME: BIRMINGHAM, ALABAMA, THE CLIMACTIC BATTLE OF CIVIL RIGHTS (2001) (providing a first-hand account of the civil rights protests in Birmingham in 1963 from the perspective of a young white female).

²⁵ See DUDZIAK, *supra* note 1, at 16 ("As Bull Connor's violent treatment of protestors became a subject of discussion among African heads of state, the diplomatic consequences of discrimination and the importance of more social change were underscored"); *id.* at 169-78 (discussing the international impact of the intensifying civil rights movement particularly with respect to the pressure placed on America resulting from the 1963 Conference of African Heads of States and Governments in Addis Ababa, Ethiopia).

²⁶ See *id.* at 178-81, 201-02 (outlining Kennedy's endorsement of the Civil Rights Act and his transformation of the issue of race discrimination into a moral issue requiring a national commitment to equality); see also BRANCH, *supra* note 10, at 822-24 (describing Kennedy's national television announcement of his civil rights legislation and Martin Luther King, Jr.'s enthusiastic response); see generally CARL M. BRAUER, JOHN F. KENNEDY AND THE SECOND RECONSTRUCTION (1977) (assessing Kennedy's role in the modern civil rights movement in light of his motives, accomplishments, and shortcomings); COTMAN, *supra* note 24, at 145-63 (presenting a transcript from an internal White House discussion on a preliminary draft of the Civil Rights Act of 1963).

²⁷ One African commentator mourned the assassination with grave fears regarding "the fate of the civil rights movement," while a Filipino commentator opined that Kennedy's "spirit lives. The legacy is there, for the American government, particularly the American Congress, to accept or reject." DUDZIAK, *supra* note 1, at 200.

²⁸ See *id.* at 205 (noting that Johnson's post-assassination address to a joint session of

of international diplomacy and civil rights evolved during his tenure. Enactment of civil rights legislation helped persuade international observers that the American government favored social reform,²⁹ and reaffirmed the USIA's narrative of race and democracy. Nonetheless, increased United States participation in Vietnam soon replaced domestic discrimination as the defining characteristic of America's global image.³⁰ The Vietnam War focused international interest in America, even as increasing racial tensions in American urban areas raised new questions.³¹

II. CONTRIBUTIONS

Cold War Civil Rights astutely connects numerous complex, and often subtle, links between global concerns and United States civil rights policy between 1945 and 1968. Dudziak meticulously traces the origins, growth, and decline of global and Cold War considerations as factors that significantly affected civil rights in America.³² Perhaps her greatest contribution is a searching analysis of domestic civil rights policy, traced through an international lens, revealing that the world angle "does not merely 'fill in' the story of American history, but changes its terms."³³

Dudziak's perspective differs from the conventional wisdom; the latter examines relevant reforms and developments from the vantage point of the American civil rights movement. This account holds that civil rights activists were principally responsible for civil rights successes. They staged sit-ins, marches and analogous forms of protest against persistent discrimination, lobbied Congress and Presidents to pass civil rights legislation, and pursued successful desegregation litigation (such as *Brown* and its progeny).³⁴ The

Congress stressed a commitment to continuing Kennedy's civil rights goals).

²⁹ See *id.* at 209 (asserting that Johnson's desire to "make his own mark and set himself apart from his predecessor led [him] to push for a stronger civil rights bill than had Kennedy").

³⁰ See *id.* at 16 ("As American involvement in Vietnam escalated, the Vietnam War eclipsed domestic racism as a redefining feature of the American image abroad").

³¹ See *id.* at 243-47 (discussing the urban race riots of Los Angeles (1965) and Detroit (1967) and the wave of assassinations—Malcolm X, Martin Luther King, Jr., and Robert F. Kennedy—that followed soon after).

³² See *id.* at 17 ("*Cold War Civil Rights* traces the emergence, the development, and the decline of Cold War foreign affairs as a factor in influencing civil rights policy").

³³ *Id.*

³⁴ See generally BRANCH, *supra* note 10 (providing a synopsis of the American civil rights movement through a narrative history of Martin Luther King, Jr.'s life); DAVID J. GARROW, BEARING THE CROSS: MARTIN LUTHER KING, JR. AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (1986) (presenting a detailed examination of the American civil rights movement between 1955 and 1968, placing particular emphasis on the significance of Martin Luther King, Jr., to resulting civil rights reforms); JACK GREENBERG, CRUSADERS IN THE COURTS: HOW A DEDICATED BAND OF LAWYERS FOUGHT FOR THE CIVIL RIGHTS REVOLUTION (1994) (linking the NAACP's Legal Defense Fund to civil rights reforms in

traditional approach, therefore, assigns the movement virtually exclusive credit for the social change achieved. Professor Dudziak apparently finds the model single-faceted because of its focus on the United States, and she offers “another dimension that sheds additional light on those important and well-told stories.”³⁵ She explains how exogenous matters, particularly American concerns about global politics, influenced domestic civil rights policy. By assessing the world impact on United States civil rights, Dudziak suggests that myriad diverse sources—including international pressures and a vigorous domestic civil rights movement among many others—coalesced to foster the reform which ultimately materialized.

Cold War Civil Rights also demonstrates the inextricably intertwined nature of the national and global arenas. Dudziak weaves together world, Cold War, and civil rights history, to show that “federal government action on civil rights was an aspect of Cold War policymaking.”³⁶ She explicates how the international context affected not only the timing, character and degree of social reform, but also structured the relationships of American actors.

According to Dudziak, the “Cold War would frame and thereby limit the nation’s civil rights commitment.”³⁷ Therefore, even as Cold War imperatives provoked some civil rights progress, they dictated, and circumscribed, the advances which could be attained. “The primacy of anticommunism in American postwar culture and politics left a very narrow space for criticism of the status quo,”³⁸ sharply constricting acceptable civil rights discourse by articulating a specific vision of racial justice and by silencing discordant voices.³⁹ This emphasis on the appearance of racial justice restricted consideration of more fundamental social reform, partly by separating questions that implicated race from questions related to class and poverty.⁴⁰

education, recreation and criminal law); MARK V. TUSHNET, *MAKING CIVIL RIGHTS LAW: THURGOOD MARSHALL AND THE SUPREME COURT, 1936-1961* (1994) (arguing that the most sustained and successful civil rights reforms between 1936 and 1961 were the product of civil rights litigation).

³⁵ DUDZIAK, *supra* note 1, at 14.

³⁶ *Id.* at 15.

³⁷ *Id.* at 13.

³⁸ *Id.*

³⁹ See *supra* notes 9-12 and accompanying text (discussing extensive efforts by the State Department to convey a positive portrait of domestic race relations, including efforts to silence those who openly challenged state-sponsored discrimination). See generally STEPHEN J. WHITFIELD, *THE CULTURE OF THE COLD WAR* (1991) (assessing the implications of the government’s anti-communist sentiment on domestic behavior); RECASTING AMERICA: CULTURE AND POLITICS IN THE AGE OF THE COLD WAR (Lary May, ed., 1989) (describing the dissemination of American propaganda in post-WWII Europe designed to combat communism by emphasizing American prosperity and individual autonomy through popular cultural media such as music and film).

⁴⁰ See DUDZIAK, *supra* note 1, at 13 (“The narrow boundaries of Cold War civil rights discourse kept discussions of broad-based social change, or a linking of race and class, off

Dudziak correspondingly illustrates the limited practical nature of the “formal equality”⁴¹ that desegregation decisions (such as *Brown*), and civil rights statutes (such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965) wrought. Neither the opinions, nor the reform legislation directly addressed ingrained societal norms, such as racial animus and private bias; structural impediments, such as glaring discrepancies in educational and employment opportunities; or the oppression and economic devastation which pervaded some inner cities.⁴²

Cold War Civil Rights evinces Professor Dudziak’s broad command of the subject. She conducted painstaking research that capitalized on the release of extensive classified information. Dudziak has assiduously compiled, analyzed and synthesized a vast quantity of empirical data bridging global politics, Cold War propaganda, and United States civil rights policy. The work draws upon a

the agenda”); Bell, *supra* note 4, at 526 n.41 (discussing America’s failure to address social issues, such as poverty and public health, in comparison to many European nations’ more expansive civil rights reforms (quoting Robert Heilbruner, *The Roots of Social Neglect in the United States*, in *IS LAW DEAD?* 288, 296 (E. Rostow ed., 1971)); WOODWARD, *supra* note 3, at 6 (offering a 1970s prediction that while African-Americans may eventually contribute to the political life of the country, they “would be firmly relegated to the lower rungs of the economic ladder”). Government emphasis on the appearance of reform is evident in the official story of race espoused by the State Department and the *Brown* briefs’ stress on global, not domestic, issues or morality. *See supra* notes 7-9 and accompanying text (discussing the State Department’s dissemination of favorable propaganda and the federal government’s involvement as *amicus curiae* in the desegregation case).

⁴¹ DUDZIAK, *supra* note 1, at 150, 248 (describing the principle of racial equality articulated in *Brown* and subsequent civil rights legislation as being “formal and abstract”).

⁴² *See id.* at 248-52 (discussing the emergence of urban racial unrest following 1965 and the increasing trend for Americans to seek avenues of “law and order” as an alternative to social change); *see also* 1968 REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVILIAN DISORDERS 91 (1968) (citing “the exclusion of great numbers of Negroes from the benefits of economic progress through discrimination in employment and education and their enforced confinement in segregated housing and schools” as the “center of the problem of racial disorder”); GREENBERG, *supra* note 34, at 242 (illustrating the difficulty of desegregating public schools during the 1960s); Angela P. Harris, *Equality Trouble: Sameness and Difference in Twentieth Century Race Law*, 88 CAL. L. REV. 1925, 1926 (2000) (arguing that a constant tension in race law in the past century was reconciling “the interests of those groups wishing to preserve the political, economic, and social status quo and those groups demanding fundamental social change”); Dorothy E. Roberts, *Welfare and the Problem of Black Citizenship*, 105 YALE L. J. 1563, 1587-95 (1996) (reviewing LINDA GORDON, *PITIED BUT NOT ENTITLED: SINGLE MOTHERS AND THE HISTORY OF WELFARE* (1994) and JILL QUADAGNO, *THE COLOR OF WELFARE: HOW RACISM UNDERMINED THE WAR ON POVERTY* (1994) (positing that revamped public assistance programs geared toward resolving underlying economic and class inequities could lead to enhanced racial justice); Eric Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America*, 95 MICH. L. REV. 821, 827 (1997) (suggesting that civil rights litigation often “reveals a disjuncture between progressive race theory and frontline political lawyering practice”).

wide spectrum of relevant material, including public messages and personal papers developed by presidents and secretaries of state, embassy communiqués, and local press reports from across the world. Dudziak assesses events and documents ideas in detail, producing an engaging, lucid account which is eminently accessible to those who are experts on neither global politics nor the civil rights movement.

In short, *Cold War Civil Rights* carefully explores Cold War relations and their effects on American civil rights policy against the backdrop of the United States' role as a world leader and the elevated international demands of moral legitimacy they imposed. Hence, although Dudziak emphasizes the Cold War-era, she has authored no mere period piece. Her insights remain cogent and will have even greater future currency as human rights issues become more internationalized and as globalization increases.⁴³ Indeed, numerous contemporary disputes evoke the abstruse interplay between world events and domestic policy that characterized the Cold War and civil rights decades ago. Symptomatic of this interplay is mounting international condemnation of American reliance on the death penalty, as it remains the sole developed nation which executes individuals, and one of a miniscule number that imposes the sanction on juveniles.⁴⁴ Other clear examples include the United States' threat to jettison the Antiballistic Missile Treaty, rejection of the Kyoto accords on global warming in the face of world consensus, and opposition to a functioning International Criminal Court.⁴⁵ These actions portend a new isolationism

⁴³ See, e.g., MICHAEL HARDT & ANTONIO NEGRI, *EMPIRE* (2000) (asserting that contemporary globalization efforts are irreversible and are forging a new form of economic and political order); Lewis H. Lapham, *The American Rome*, *HARPER'S MAG.*, Aug. 2001, at 31 (suggesting that the United States' loss of its seat on the United Nations Human Rights Commission reflects increasing international resentment toward America's imperial tendencies); Robert Kuttner, *Globalization and its Critics*, *THE AM. PROSPECT*, July 2, 2001, at 1 (claiming that opposition toward American dominance of international markets is becoming entrenched and vociferous). See generally ROBERT A. WILLIAMS, JR., *LINKING ARMS TOGETHER: AMERICAN INDIAN TREATY VISIONS OF LAW AND PEACE, 1600-1800* (1997) (asserting that trust is essential in creating healthy international relationships in the face of cultural diversity).

⁴⁴ See, e.g., ABA, *DEATH WITHOUT JUSTICE: A GUIDE FOR EXAMINING THE ADMINISTRATION OF THE DEATH PENALTY IN THE UNITED STATES* (2001) (offering guidelines for the review of the administration of the death penalty given its high error rate and disproportionate effects on minorities); AMNESTY INT'L, *CHILDREN AND THE DEATH PENALTY* (2001) (decrying the U.S.'s continued application of the death penalty to juveniles as a violation of basic human rights). See generally MICHAEL S. MELTSNER, *CRUEL AND UNUSUAL: THE SUPREME COURT AND CAPITAL PUNISHMENT* (1973); James S. Liebman, *The Overproduction of Death*, 100 COLUM. L. REV. 2030, 2032 (2000) (arguing that "trial level actors" enticed by professional and personal rewards to over-prescribe the death penalty have created a systemic flaw leading to erroneous sentences). The death penalty arguably undercuts America's claim to modern world leadership just as segregation did in the Cold War.

⁴⁵ See, e.g., Bill Richardson, *America's Interest in an International Court*, *N.Y. TIMES*,

which jeopardizes America's claim to be a world leader. The recent exclusion of the United States from the Human Rights Commission for the first time since its inception concomitantly manifests disengagement's import, because critical human rights concerns persist.⁴⁶ Expanding globalization may also require strong American leadership to help enforce minimum labor standards across the world.⁴⁷ Given the events of the last year, Dudziak's views gain special salience, as America aggressively threatens to turn inward away from multilateralism.⁴⁸

Cold War Civil Rights also contributes to the body of work assessing this segment of United States history, by linking civil rights with international policy. For example, Professor Dudziak's research affirms the idea of *convergence*, which posits that African-Americans have realized certain, even if limited, social gains when they shared an identity of interest with the

Aug. 21, 2001, at A17 (criticizing the Senate's failure to ratify American participation in an International Criminal Court that would prosecute war crimes, genocide, and crimes against humanity); David E. Sanger, *Bush Flatly States U.S. Will Pull Out of Missile Treaty*, N.Y. TIMES, Aug. 24, 2001, at A6 (reporting that President Bush would withdraw from the 1972 Antiballistic Missile Treaty, signaling the first time the U.S. had unilaterally abandoned a major international arms-control pact); Elizabeth Shogren, *Powerful Pact Formed in Senate on Global Warming*, L.A. TIMES, AUG. 4, 2001, at A12 (detailing the surprise of members of Congress and commentators regarding the Bush administration's sudden and early withdrawal from the Kyoto summit discussing caps on global greenhouse emissions).

⁴⁶ See, e.g., Barbara Crossette, *Rudeness Awakens America*, N.Y. TIMES, May 13, 2001, § 4, at 3 (pointing to a host of reasons leading to the exclusion of the U.S. from the U.N. Commission on Human Rights, including Congressional withholding of U.N. dues, diminished American respect for international concerns, and increasing geo-political coalitions and bloc voting); Merle Goldman, *A Lost Vote for Human Rights*, N.Y. TIMES, May 6, 2001, § 4, at 15 (decrying the U.S.'s absence from the Commission, and the impact that absence might have on future censures of Chinese and Latin American human rights abuses); David E. Sanger, *House Threatens to Hold U.N. Dues in Loss of a Seat*, N.Y. TIMES, May 9, 2001, at A1 (describing Congressional backlash against the U.N. after the U.S. was not elected to its Commission on Human Rights).

⁴⁷ See sources cited *supra* note 43 (discussing international resistance to American led globalization efforts that center on market exploitation and unrestricted free trade). See generally Clyde Summers, *The Battle in Seattle: Free Trade, Labor Rights, and Societal Values*, 22 U. PA. J. INT'L ECON. L. 61 (2001) (calling for American support of increased linkages between free trade and international labor standards);

⁴⁸ See R.C. Longworth, *'Bush Doctrine' Arises From the Ashes of Sept. 11*, CHI. TRI., Mar. 7, 2002, at 4 (reporting that President Bush's post 9/11/01 foreign policy has increasingly become unilateral and isolationist); Emily Eakin, *All Roads Lead to D.C.*, N.Y. TIMES, Mar. 31, 2002 at § 4, at 4 (noting the rise in recent American scholarship labeling the United States as an "empire" with imperialist tendencies); Fred Hiatt, *Our Rose-Colored Cold War*, WASH. POST, Mar. 25, 2002, at A19 (decrying the increasing convergence between the foreign policy ambitions of the current anti-terror policy and twentieth-century Cold War-era policies).

dominant culture.⁴⁹ This theme also suffuses Professor Derrick Bell's writing.⁵⁰ Professor Davison Douglas illustrates the theory by showing how Charlotte, North Carolina, successfully desegregated public schools only after the city's white business establishment recognized that resistance to integration would undermine the progressive commercial image it wished to cultivate.⁵¹ Dudziak similarly affirms the convergence hypothesis by suggesting that civil rights progress resulted from the federal government's interest in projecting an image of domestic racial harmony for overseas consumption, and that of African-Americans in preventing violence and ameliorating discrimination.⁵²

III. SUGGESTIONS FOR THE FUTURE

Notwithstanding the numerous perceptive insights which *Cold War Civil*

⁴⁹ More generally referred to as the "interest-convergence theory," this position holds that the dominant white culture permits minority achievement only when mutual benefit is available to whites. See Douglas Litowitz, *Some Thoughts on Critical Race Theory*, 72 NOTRE DAME L. REV. 503, 507 (1997) (applying the theory to criticize the effectiveness of recent civil rights reforms).

⁵⁰ See, e.g., SHADES OF BROWN: NEW PERSPECTIVES ON SCHOOL DESEGREGATION (Derrick A. Bell, Jr., ed., 1980) (offering a collection of criticisms of post-*Brown* education reforms for being unable to generate equal educational opportunity for minority schoolchildren); Derrick Bell, *The Supreme Court, 1984 Term-Foreword: The Civil Rights Chronicles*, 99 HARV. L. REV. 4 (1985) (noting that major civil rights reforms of the last two centuries came only when they accommodated the private interests of whites); Bell, *supra* note 4, at 524-25; Bell, *supra* note 14, at 12. She acknowledges his contribution. DUDZIAK, *supra* note 1, at 258 n.26 (recognizing that "Derrick Bell has long argued that the Cold War was a critical factor in influencing the development of the constitutional right to equality").

⁵¹ DAVISON DOUGLAS, *READING, WRITING AND RACE: THE DESEGREGATION OF THE CHARLOTTE SCHOOLS* (1995) (chronicling the post-*Brown* efforts to desegregate Charlotte's public schools and the opposition to mandatory busing); see also *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1 (1971) (holding that while the Fourteenth Amendment prohibited schools from excluding pupils on the basis of race, public schools need not take affirmative measures to reflect the racial balance of their resident communities); BERNARD SCHWARTZ, *SWANN'S WAY: THE SCHOOL BUSING CASE AND THE SUPREME COURT* (1986) (discussing the various bench deliberations of the *Swann* decision, including the private statements and actions of the Supreme Court); Carl Tobias, *Charlotte and the American Dilemma*, 48 KAN. L. REV. 139 (1999) (reviewing *READING, WRITING AND RACE: THE DESEGREGATION OF THE CHARLOTTE SCHOOLS* (1995)) (assessing Douglas's research in light of contemporary desegregation issues).

⁵² See *supra* notes 3-9 and accompanying text; see also PHILIP A. KLINKER WITH ROGERS M. SMITH, *THE UNSTEADY MARCH: THE RISE AND DECLINE OF RACIAL EQUALITY IN AMERICA* 317-51 (1999) (finding that conflicts such as the Cold War foster racial equality). Some commentators warn that recent civil rights gains are limited and might actually devalue African-Americans. See Dorothy E. Roberts, *Unshackling Black Motherhood*, 95 MICH. L. REV. 938, 957 (1997) (arguing that while efforts to secure women's reproductive freedoms may generally serve the interests of white women, they often fail to benefit, and may even burden, African-American women).

Rights affords, I can proffer a relatively small number of somewhat technical recommendations for improvement. There are correspondingly several aspects of the recent monograph that might warrant elaboration.

Certain ideas in *Cold War Civil Rights* deserve expansion. For example, Dudziak's analysis of the limitations inherent in formal equality, legal change and social progress attributable to the Cold War might profit from amplification.⁵³ Meaningful reform would have specifically required that whites yield actual political, social or economic power, change which most opposed, as witnessed in battles over public school desegregation.⁵⁴ The author's evaluation of the lessons to be derived from international and domestic interaction could similarly benefit from elaboration. For instance, understanding how global concerns influence American policy and the country's role as a world leader would inform modern controversies, namely application of the death penalty and United States participation in human rights debates. This knowledge would concomitantly enable policymakers and the public to ascertain whether growing American isolationism and disengagement advance the nation's interests abroad and at home.⁵⁵ Sophisticated readers may already appreciate certain matters that Dudziak addresses, but she could

⁵³ See *supra* notes 39-40, 42 and accompanying text (discussing the congruence between the State Department propaganda distributed abroad and the "formal equality" contemporaneous domestic civil rights reforms wrought).

⁵⁴ See *supra* notes 16-19 and accompanying text (discussing the "massive resistance" efforts of Southern whites seeking to obstruct the Supreme Court's desegregation mandate). For current issues related to schools, see generally Yamamoto, *supra* note 42, at 821-25 (exploring the irony of recent Asian-American litigation challenging a 1983 judicial consent decree desegregating San Francisco's public schools on grounds that it limited entry of Asian-American students into magnet schools); Kristi L. Bowman, Note, *The New Face of School Desegregation*, 50 DUKE L. J. 1751 (2001) (arguing that the current desegregation model conflates non-white minorities to their disadvantage and perpetuates white norms). Affirmative action may be a more contemporary analogue. See *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995) (subjecting all governmental racial classifications, regardless of source or intent, to strict scrutiny); *Hopwood v. Texas*, 861 F. Supp. 551 (W.D. Tex. 1994) (holding that the benefits of a diverse student body are a compelling government objective for purposes of evaluating the constitutionality of the University of Texas's affirmative action admissions policy), *rev'd and remanded*, 78 F.3d 932 (5th Cir. 1996) (holding that the University of Texas's past reputation for under-representing minorities did not create a compelling government interest that would sustain the use of race in its current admissions criteria), *cert. denied*, 518 U.S.1033 (1996); see also BERNARD SCHWARTZ, *BEHIND BAKKE: AFFIRMATIVE ACTION AND THE SUPREME COURT* (1988) (offering insight into bench deliberations of the *Bakke* decision); Rachel F. Moran, *Diversity and its Discontents: The End of Affirmative Action at Boalt Hall*, 88 CAL. L. REV. 2241 (2000) (assessing the increased "balkanization" of students at Boalt Hall Law School following the school's decision to end affirmative action).

⁵⁵ See *supra* notes 43-46, 48 and accompanying text (discussing increasing international resentment toward domestic indifference to human rights and foreign policy issues, and the likely toll they will take on U.S. credibility abroad).

expand upon them.

These concepts do not detract from Dudziak's substantial contributions, which partly respond to my concerns. Nevertheless, she might have articulated certain views more explicitly or in greater detail, proffered additional lessons and prescribed a larger number of future suggestions. It would be valuable to have more insights from a scholar who has so extensively studied international diplomacy and domestic civil rights. Her expert observations on precisely why events unfolded as they did and how improvement could be realized would be quite useful, particularly for advocates of social change overseas and in the United States. These propositions have peculiar force today when human rights issues and expanding globalization characterize contemporary world politics while seemingly insolvable, race-related problems, such as the persistence of discrimination and poverty, defy felicitous treatment in America.⁵⁶

CONCLUSION

Cold War Civil Rights opens new ways to perceive the globe, the Cold War, the United States and civil rights as well as their interrelationships. By showing how international pressures interact with domestic civil rights policy, Professor Dudziak clarifies a significant period in American history and enhances comprehension of modern disputes involving world affairs, human rights and race, controversies that desperately need resolution.

⁵⁶ See *supra* notes 49, 50, 52, 54 and accompanying text (showing that current civil rights reforms and paradigms have yet to resolve America's racial conflicts).